

Appl. No.: 10/774,012
Amtd. Dated: 09/28/2005
Off. Act. Dated: 09/21/2005

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein

1. Cancellation of Claims.

Claims 1-6 and 43-48 have been canceled to expedite prosecution herein. Such cancellation is without disclaimer of the subject matter therein, and without prejudice to further prosecution of these claims in this or a continuation or divisional application.

2. Rejection of Claims 1-6 as being anticipated under 35 U.S.C. 102(b).

The above referenced claims were rejected under 35 U.S.C. 102(b) as being anticipated by prior art. Such rejection is now moot in view of cancellation of those claims.

3. Allowable Subject Matter

(a) Applicant notes with appreciation that Claim 7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended Claim 7 to include the limitations of Claim 1, the parent claim. Applicant believes Claim 7 is now in condition for allowance.

(b) Applicant notes with appreciation that Claims 12, 15, 20-24, 30-33, 35-40 and 42 are allowed.

4. Rejection of Claims 2-6, 8-11, 13-14, 16-19, 25-29, 34 and 41 under 35 U.S.C. 112, second paragraph.

The above referenced claims were rejected under 35 U.S.C. 112, second paragraph.

(a) Claims 2-6. These claims have been cancelled. Such rejection is now moot in view of cancellation of those claims.

(b) Claim 8. Applicant notes with appreciation that Claim 8 would be allowed if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph. Claim 8 has been amended to replace "the unloading" with "emptying" to correct the lack of

Appl. No.: 10/774,012
Amtd. Dated: 09/28/2005
Off. Act. Dated: 09/21/2005

antecedent basis. Applicant believes Claim 8 is now in condition for allowance.

(c) Claim 9. Applicant notes with appreciation that Claim 9 would be allowed if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claim 9 has been amended to depend from Claim 7 to provide a proper antecedent basis for vehicle ramps. Claim 7 has been amended to be in condition for allowance as described in 3(a) above. As Claim 7 appears to be in condition for allowance, Claim 9 should, *a fortiori*, be in condition for allowance.

(d) Claim 10. Applicant notes with appreciation that Claim 10 would be allowed if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Claim 10 has been amended to depend from Claim 9 to provide a proper antecedent basis for means for articulating. Claim 9 has been amended to be in condition for allowance as described above. As Claim 9 appears to be in condition for allowance, Claim 10 should, *a fortiori*, be in condition for allowance.

(e) Claim 11. Applicant notes with appreciation that Claim 11 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicant has amended Claim 11 to include the limitations of Claim 1, the parent claim and has added the claim element "said container having a bottom" to provide a proper antecedent basis for "the bottom." Applicant believes Claim 11 is now in condition for allowance.

(f) Claim 13. Claim 13 was rejected under 35 U.S.C. 112, second paragraph, because "the interior" lacks antecedent basis. Applicant has amended Claim 13 to replace the phrase, "inner wall surfaces are lined with a liner that," with "material" and has further amended Claim 13 to remove the phrase "on the interior of said container" Applicant believes Claim 13, as amended, has overcome the rejection

Appl. No.: 10/774,012
Amdt. Dated: 09/28/2005
Off. Act. Dated: 09/21/2005

and is now in condition for allowance. As Claim 12, the parent claim, is allowable, Claim 13 should, *a fortiori*, be allowable.

(g) Claim 14. Claim 14 was rejected under 35 U.S.C. 112, second paragraph, because "the interior" lacks antecedent basis. Applicant has amended Claim 14 to replace the phrase, "inner wall surfaces are lined with a liner that," with "material" and has further amended Claim 14 to remove the phrase "joined to the interior of said container and." Applicant believes Claim 14, as amended, has overcome the rejection and is now in condition for allowance. As Claim 12, the parent claim, is allowable, Claim 14 should, *a fortiori*, be allowable.

(h) Claim 16. Claim 16 was rejected under 35 U.S.C. 112, second paragraph, because "the wheels" lacks antecedent basis. Applicant has amended Claim 16 to remove "the." Applicant believes Claim 16, as amended, has overcome the rejection and is now in condition for allowance. As Claim 12, the parent claim, is allowable, Claim 16 should, *a fortiori*, be in condition for allowance.

(i) Claim 17. Claim 17 was rejected under 35 U.S.C. 112, second paragraph, because "and/or" is an indefinite term. Applicant has amended Claim 17 to replace "and/or" with "or." Applicant believes Claim 17, as amended, has overcome the rejection and is now in condition for allowance. As Claim 12, the parent claim, is allowable, Claim 17 should, *a fortiori*, be in condition for allowance.

(j) Claim 18. Claim 18 was rejected under 35 U.S.C. 112, second paragraph. Applicant has amended Claim 18 to replace "ramp" with "ramps." Applicant believes Claim 18, as amended, has overcome the rejection and is now in condition for allowance. As Claim 12, the parent claim, is believed to be in condition for allowance, Claim 18 should, *a fortiori*, be in condition for allowance.

(k) Claim 19. Claim 19 was rejected under 35 U.S.C. 112, second paragraph, because "the bottom" lacks antecedent basis. Applicant has amended Claim 19 to add the element "wherein said container has a bottom; and." Applicant

Appl. No.: 10/774,012
Amtd. Dated: 09/28/2005
Off. Act. Dated: 09/21/2005

believes the amendment to Claim 19 has overcome the rejection and is now in condition for allowance. As Claim 12, the parent claim, is allowable, Claim 19 should, *a fortiori*, be allowable.

(l) Claim 25. Applicant notes with appreciation that Claim 25 would be allowed if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicant has amended Claim 25 to add the element "wherein said container has a bottom; and." Applicant believes the amendment to Claim 25 has overcome the rejection and is now in condition for allowance. As Claim 24, the parent claim, is allowable, Claim 25 should, *a fortiori*, be allowable.

(m) Claim 26. Applicant notes with appreciation that Claim 26 would be allowed if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicant has amended Claim 25, the intervening claim, to correct the lack of antecedent basis. Applicant believes Claim 26 is in condition for allowance as originally written. As Claim 25, the intervening claim, appears to be allowable, Claim 26 should, *a fortiori*, be allowable.

(n) Claim 27. Claim 27 was rejected under 35 U.S.C. 112, second paragraph, because "the wheels" lacks antecedent basis. Applicant has amended Claim 27 to remove "the." Applicant believes Claim 27, as amended, has overcome the rejection and is now in condition for allowance. As Claim 24, the parent claim, is allowable, Claim 14 should, *a fortiori*, be allowable.

(o) Claim 28. Applicant notes with appreciation that Claim 28 would be allowed if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicant has amended Claim 27, the intervening claim, to correct the lack of antecedent basis. Applicant believes Claim 28 is in condition for allowance as originally

Appl. No.: 10/774,012
Amdt. Dated: 09/28/2005
Off. Act Dated: 09/21/2005

written. As Claim 27, the intervening claim, appears to be allowable, Claim 28 should, *a fortiori*, be allowable.

(p) Claim 29. Applicant notes with appreciation that Claim 29 would be allowed if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims. Applicant has amended Claim 27, an intervening claim, to correct the lack of antecedent basis. Applicant believes Claim 29 is in condition for allowance as originally written. As Claims 27 and 28, the intervening claims, appear to be allowable, Claim 29 should, *a fortiori*, be allowable.

(q) Claim 34. Claim 34 was rejected under 35 U.S.C. 112, second paragraph, because "the vertical clearance" lacks antecedent basis. Applicant has amended Claim 34 to remove "the." Applicant believes Claim 34, as amended, has overcome the rejection and is now in condition for allowance. As Claim 24, the parent claim, is allowable, Claim 34 should, *a fortiori*, be allowable.

(r) Claim 41. Claim 41 was rejected under 35 U.S.C. 112, second paragraph, because "the interior" lacks antecedent basis. Applicant has amended Claim 41 to replace the phrase, "lining on said inner wall surfaces" with "material" and has further amended Claim 41 to remove the phrase "joined to the interior of said container and." Applicant believes Claim 41, as amended, has overcome the rejection and is now in condition for allowance. As Claim 24, the parent claim, is allowable, Claim 41 should, *a fortiori*, be allowable.

5. Consideration of JP 2-127280 as Prior Art

Examiner returned a copy of form PTO/SB/08A, Information Disclosure Statement By Applicant, with the citation for foreign patent JP 2-127280 lined through with the annotation "No translation." Applicant included the following explanation in Section 7, Concise Explanation of Non-English Language Listed Information Items, in an Information Disclosure Statement, as part of the transmittal of the subject document:

Appl. No.: 10/774,012
Amtd. Dated: 09/28/2005
Off. Act. Dated: 09/21/2005

"JAPANESE NO. 2-27280 SHOWS A VEHICLE WITH A REAR CONTAINER HAVING A RAMP ASSEMBLY THAT IS MOVEABLE FROM AN ANGLED POSITION TO A HORIZONTAL POSITION."

Applicant also indicated in Section 8 of the Information Disclosure Statement, Translation(s) of Non-English Language Documents, that no English language translations of the foreign language patent are readily available. Applicant respectfully requests Examiner to initial the referenced citation as considered on form PTO/SB/08A and include a copy of the initialed form in the next action on this application.

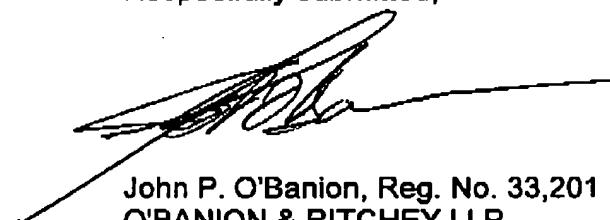
6. Conclusion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection and objection of the claims and to pass this application to issue.

The Applicant also respectfully requests a telephone interview with the Examiner in the event that there are questions regarding this response, or if the next action on the merits is not an allowance of all pending claims.

Date: 9/29/05

Respectfully submitted,



John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHIEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010